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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,024	10/29/2003	Shinsaku Inada	7217/71175	7063
530 7590 03/15/2007 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			EXAMINER WALK, SAMUEL J	
			ART UNIT	PAPER NUMBER
			2612	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/15/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.		Applicant(s)	
	10/696,024		INADA ET AL.	
	Examiner		Art Unit	
	Samuel J. Walk		2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/13/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Examiner's Note

1. Examiner notes that the Office Action herein is in response to the Request for Continued Examination (RCE) filed on 02/13/2007. The following rejection is in response to the Notification of Reasons for Refusal prepared by the foreign Patent Office.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1 and 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshiyuki (JP 11-093478) in view of Hsu (JP 11-245771).

Regarding Claims 1 and 3-6, Yoshiyuki discloses (for example, refer to paragraphs [0011] - [0032] and figure 5 in the specification), an invention of "an in-vehicle-environment control system comprising a communication device (keyless

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transmitter 1) and an in-vehicle-environment control device (keyless receiver 3, control unit 9, door lock drive unit 41, door mirror drive unit 45, seat position drive unit 47, rearview mirror drive unit 53, audio unit 51, navigation unit 49) communicatable with the communication device installed in a vehicle; a detecting means (fingerprint sensor 5) in the communication device to detect data for personal authentication, an unlock-requesting means (fingerprint sensor 5) in the communication device to request the in-vehicle-environment control system to unlock the door of the vehicle, a transmitting means (transmitting portion 17) to transmit the personal authentication data detected by the detecting means and the unlock request from the unlock-requesting means to the in-vehicle-environment control system, a personal authentication processing means (verification portion 25) performing a personal authentication process based on the personal authentication data transmitted by the transmitting means, an in-vehicle-environment (feature-point data storage portion 29) to register and store data, setting a predefined in-vehicle environment in the vehicle appropriate for the individual to be verified by the personal authentication process, a door unlocking control means (control unit 9, door lock drive unit 41) in the in-vehicle-environment control device to unlock the vehicle door when the verification

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was completed successfully by the personal authentication processing means, and an in-vehicle-environment control system that sets the in-vehicle environment in the vehicle based on the personal data registered in the in-vehicle-environment registering and storing means when the vehicle door was unlocked by the door unlocking control means and the same driver boarded the vehicle simultaneously, and in addition, when the driver sets each device to his/her desire, collects the plurality of pieces of setting information outputted by the devices, forwards them to the in-vehicle-environment registering and storing means (feature-point data storage portion 29), relates them to the personal authentication information, and stores them (changes the setting)", is described.

The invention relating to claims 1 and 3-6 in this application and the invention described in the Yoshiyuki are different only in the following two points, and they are not particularly different in any other ways:

(1) Whereas the "communication device" in the invention relating to claims 1-8 in this application is able to communicate to and from the passenger environment control device, the "communication device (keyless transmitter 1)" in the invention described in the Yoshiyuki is able to communicate only to the in-vehicle-environment control device.

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(2) Whereas the "in-vehicle-environment control device" in the invention relating to claims 1-8 in this application sets the in-vehicle environment if the verification was successful and the door was unlocked, the "in-vehicle-environment control device" in the invention described in the Yoshiyuki sets the in-vehicle environment if the verification was successful, the door was unlocked, and the same driver boarded in the vehicle.

Regarding the first difference, Examiner takes Official Notice that both the concept and the advantages of keyless entry devices are able to communicate to and from the main control device, (for example, refer to Kokai [unexamined patent application publication] No. H1 - 95955.)

Regarding the second difference, Hsu discloses in paragraphs [0011-0025] and figures 1-9, an invention of "an in-vehicle-environment control system in which a personal authentication processing means (fingerprint checking device 30) verifies data from a personal authentication detecting means (door-mounted fingerprint sensor 14), if the verification was successful, the system unlocks the vehicle door and at the same time, automatically sets the seat position (car seat 38), the mirror (mirror 40), etc. according to the personal authentication information, and in the entertainment center 50, sets chosen/preset frequencies for a radio tuner (preset

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stations) and playback order of content data (selection of pre-selected compact discs or other music medias)", is described.

Therefore, one having ordinary skill in the art would have incorporated the teaching of Hsu into the system of Yoshiyuki to achieve a more user-friendly environment.

Furthermore, in audio/visual equipment, it is usually well known that sound volume, sound quality, volume balance, and image qualities such as color or value can be set for each individual. Also for in-car audio visual equipment, a question of which items of which devices in the equipment are to be set as an in-vehicle environment for each individual is merely a matter that a person skilled in the art can discretionary decide within the scope of his/her common inventiveness.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel J. Walk whose telephone number is (571) 272-2960. The examiner can normally be reached on M-F: 8:00-5:30.

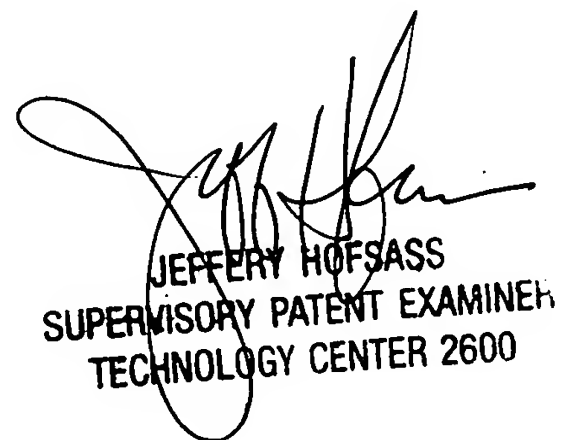
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571) 272-2981. The fax phone number for the

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organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SJW



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